

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION


Carl Simons,	:	
	:	
Plaintiff	:	Civil Action 2:08-cv-00551
	:	
v.	:	Judge Sargus
	:	
DeCarlo M. Blackwell, <i>et al.</i> ,	:	Magistrate Judge Abel
	:	
Defendants	:	

ORDER

Plaintiff Carl Simmons, a state prisoner, brings this prisoner civil rights action under 42 U.S.C. §1983 alleging that defendants subjected him to cruel and unusual punishment by denying him needed medical care. This matter is before the Court on Magistrate Judge Abel's June 12, 2008 Report and Recommendation that defendant DeCarlo M. Blackwell be dismissed because the complaint fails to state a claim under 42 U.S.C. §1983 against him. The Magistrate Judge further recommended that the suit continue as to defendants Debbie Dunsmore, R.N. and Karen Smith, Health Care Administrator.

No objections have been filed to the Report and Recommendation. Upon *de novo* review in accordance with the provisions of 28 U.S.C. §636(b)(1)(B), the Court **ADOPTS** the Report and Recommendation. Defendant DeCarlo M. Blackwell is **DISMISSED**. This

lawsuit continue as to plaintiff's claims against defendants Debbie Dunsmore, R.N. and Karen Smith, Health Care Administrator.

 8-28-08

Edmund A. Sargus, Jr.
United States District Judge